

INDEX*

(The following abbreviations refer to sections of the *Journal*: *BR*, Book Review (Recent Books on International Law); *BRE*, Book Review Essay (Recent Books on International Law); *CD*, Current Developments; *CP*, Contemporary Practice of the United States Relating to International Law; *Ed.*, Editorial Comment; *ID*, International Decisions; *LA*, Leading Article; *NC*, Notes and Comments. Other abbreviations include: *EC*, European Community; *ECHR*, European Court of Human Rights; *ECJ*, European Court of Justice; *ECOWAS*, Economic Community of West African States; *EU*, European Union; *GATT*, General Agreement on Tariffs and Trade; *ICC*, International Criminal Court; *ICJ*, International Court of Justice; *ICRC*, International Committee of the Red Cross; *ICTR*, International Criminal Tribunal for Rwanda; *ICTY*, International Criminal Tribunal for the Former Yugoslavia; *ILC*, International Law Commission; *ItCC* Italian Court of Cassation; *NAFTA*, North American Free Trade Agreement; *TRIPS*, Trade-Related Aspects of Intellectual Property Rights; *UK*, United Kingdom; *UKHoL*, United Kingdom House of Lords; *UN*, United Nations; *UNCITRAL*, United Nations Commission on International Trade Law; *UNCLOS*, United Nations Convention on the Law of the Sea; *UNGA*, United Nations General Assembly; *UNSC*, United Nations Security Council; *U.S.*, United States; *USSC*, United States Supreme Court; *WTO*, World Trade Organization)

Abraham, Ronny, re-elected as ICJ Judge, 539
 Affolder, Natasha A., The Private Life of Environmental Treaties, *NC* 510

Afghanistan

proceedings against U.S. military personnel for offenses against Afghan civilians, *CP* 360
 right of habeas corpus review of non-Afghan detainees brought to, *CP* 579-81
 U.S. court affirms jurisdiction in Afghan detainee death in, *CP* 763-64
 U.S. prosecutions for terrorism-related offenses in, *CP* 765-68

African Union

African Charter on Human and Peoples' Rights (1981), 311-13, 316

Al-Khasawneh, Awn Shawkat, re-elected ICJ Judge, 539

Allain, Jean, *ID* 311-17

Alter, Karen J., *see* Helfer, Laurence R.

Alvarez, Guillermo Aguilar, and W. Michael Reisman (Eds.), The Reasons Requirement in Inter-

national Investment Arbitration: Critical Case Studies, *BR* 629

Andean Community

Andean Pact, history of, 6-9, 26, 46-47

Andean Commission, 6, 9, 33-34

Cartagena Agreement, 6, 8-9, 37

General Secretariat, 3, 8, 11-17, 21, 27, 29, 32-36, 39, 43

intellectual property rule of law, *LA* 1-47

legal and institutional framework, 6-16

legislative "Decisions" 6, 9, 10, 12, 16, 18, 25-29, 31-38, 43

membership, 1, 34

Washington Consensus, 7-8, 10-11, 35

Andean Tribunal of Justice, 2-8, 11, 13-16

data protection, 9, 25-26, 30-35

effective intellectual property rule of law, 6, 12-38, 45-47

jurisdiction, 8-9

pipeline principle, 23, 25-28, 33

second-use patents, 25, 28-30, 35

* Prepared by Maryann Alt.

Treaty Creating the Andean Tribunal of Justice (1979), 7, 8, 14 16

Anderson, Kenneth, What NGO Accountability Means—And Does Not Mean, *BRE* of Jordan and van Tuijl, 170

Anker, Deborah, see Marouf, Fatma E.

Arbour, Louise, see Darrow, Mac

Argentina, in case before UNCITRAL Arbitral Tribunal, *ID* 722–27

Armenia

U.S. court rejects California extension of statute of limitations for Armenian genocide law, *CP* 743–44

Arms control

Comprehensive Test Ban Treaty, 600–01

President calls for Senate approval of, 600

Nuclear Non-Proliferation Treaty (NPT) (1968), *CP* 163–64

North Korea rejects past nuclear commitments; withdraws from six-party talks, *CP* 597–600

President on strengthening, 601

six-party “action for action” principle on North Korea nuclear program, *CP* 164

UNSC adopts presidential statement and more sanctions on North Korea, *CP* 597–600

U.S. criticizes North Korea’s nuclear ballistic missile programs, 598

UN Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) (1980)

Protocol on Blinding Laser Weapons (Protocol IV), U.S. Senate approves, 135, 137

Protocol on Explosive Remnants of War (Protocol V), U.S. Senate approves, 138

Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), U.S. Senate approves, 135, 137

U.S. Senate approves amendment to, 137

U.S. efforts to control Man-Portable Air Defense Systems (MANPADS), *CP* 167–68

U.S.-India Nuclear Cooperation Agreement brought into force, *CP* 163–64

U.S. policy on North Korean nuclear program, *CP* 164–65

U.S. to seek engagement with Iran on nuclear issues, 602

Asian Development Bank, leadership selection, 227–28, 247, 249

Association of South East Asian Nations (ASEAN)

leadership rotational system, 232–33

Treaty of Amity and Cooperation in South-east Asia

U.S. accedes to, as executive agreement with reservation, *CP* 741–43

Austria, in case before ECJ, *ID* 716–22

Aviation

International Convention on Civil Aviation (Chicago) (1944), 221, 692–93, 707–08

international regulation of military aircraft over high seas, *NC* 691–709

Paris Convention for the Regulation of Aerial Navigation (1919), 692–93

See also International air law

Beard, Jack M., Law and War in the Virtual Era, *LA* 409

Bederman, David J. (Ed.), International Decisions, 97, 294, 543, 710

Beisner, Robert L., Dean Acheson: A Life in the Cold War, *BR* 375

Berne Convention for the Protection of Literary and Artistic Works (1971), 549–50

Berry, David S., *ID* 561–67

Bilder, Richard B. (Ed.), Recent Books on International Law, 170, 368, 609, 777

Blinderman, Eric H., see Pelofsky, Eric J.

Blum, Gabriella, Islands of Agreement: Managing Enduring Armed Rivalries, *BR* 803

Blum, Yehuda Z., Consistently Inconsistent: The International Court of Justice and the Former Yugoslavia (Croatia v. Serbia), *NC* 264

Books Received, 205, 402, 642, 818

Brazil, in case against U.S. before WTO, *ID* 110–16

Brölmann, Catherine, The Institutional Veil in Public International Law: International Organisations and the Law of Treaties, *BR* 627

Burma (Myanmar), UN response to human rights abuses in, 446, 448, 451–54

Buys, Cindy Galway, *ID* 294–99

- Caelum Liberum*: Air Defense Identification Zones Outside Sovereign Airspace, *NC* 691
- Cambodia**
Khmer Rouge war crimes trials, *ID* 116–22
- Caminos, Hugo, *BR* of Virzo, 640
- Canada**
cooperation with U.S. to gather data for continental shelf claims in Arctic, *CP* 774
negotiations to update U.S.-Canada Great Lakes Water Quality Agreement, *CP* 604–05
- Cançado Trindade, Antônio Augusto, elected ICJ Judge, 539
- Caribbean Court of Justice (CCJ)**
Agreement Establishing the Caribbean Court of Justice (2001), 561
final interpreter of CARICOM treaty, 561, 564–66
locus standi of private entities, 561, 563–66
original jurisdiction, 561–67
- Caribbean Community (CARICOM)**, 561–67
Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the CARICOM Single Market and Economy (2001), 561–67
- Chander, Anupam, *BR* of Koh, 625
- Charnovitz, Steve
BR of Brölmann, 627
Recent Scholarship on NGOs, *BRE* of Dupuy & Vierucci; Macdonald; Ripinsky & van den Bossche; Steffek, Kissling, & Nanz; and Vedder, 777
- Chesterman, Simon, and Chia Lehnardt (Eds.), *From Mercenaries to Market: The Rise and Regulation of Private Military Companies*, *BR* 198
- China, People's Republic of**
agreement with U.S. on importation of antiquities from, *CP* 365
copyright, criminal laws and regulations, 549–55
intellectual property rights, WTO case, *ID* 549–55
leadership positions in international organizations, 229–32, 250–51, 254, 259
military reconnaissance overflights of its EEZ, 703–06
trading rights, WTO case, *ID* 710–16
- U.S. protests interference with naval vessel in South China Sea, *CP* 349–51
- Cho, Sungjoon, *ID* 299–305
- Cogan, Jacob Katz, Representation and Power in International Organizations: The Operational Constitution and Its Critics, *LA* 209
- Consistently Inconsistent: The International Court of Justice and the Former Yugoslavia (Croatia v. Serbia), *NC* 264
- Contemporary Practice of the United States Relating to International Law**, 132, 325, 575, 741
- Croatia**, in case against Serbia before ICJ, 264–70, *CD* 532–35
- Crook, John R. (Ed.), *Contemporary Practice of the United States Relating to International Law*, 132, 325, 575, 741
- Cross, Karen Halverson, *ID* 110–16
- Cuba**
court rejects Florida law on travel to, *CP* 744–46
Guantánamo Bay
Bush administration will not end detentions, *CP* 154
obstacles to ending detentions, *CP* 575
President-elect Obama calls for closure of, *CP* 154–55
President issues executive order on closure of detention facilities, *CP* 325–28
See also United States Department of Defense
OAS resolution on readmission, rejection, *CP* 585–86
- Current Developments**, 83, 272, 527
- Customary international law**, 297
defense of necessity, 724–25
EC legal order, 557–59, 720–22
ICRC study on customary international humanitarian law, 63
immunity of foreign States, *ID* 122–31
non-immunity rule, 125–29
UNCLOS provisions, 557–60
See also Human rights; International law; Laws of war
- Darrow, Mac, and Louise Arbour, *The Pillar of Glass: Human Rights in the Development Operations of the United Nations*, *LA* 446

Degenhardt, Frank, *Zwischen Machtstaat und Völkerbund: Erich Kaufmann (1880–1972)*, *BR* 609

De Man, Philip, *see* Wouters, Jan

Denfeld, Claudia, Hans Wehberg (1885–1962): *Die Organisation der Staatengemeinschaft*, *BR* 609

[The] Detention of Civilians in Armed Conflict, *Ed.* 48

[Deutschen Gesellschaft für Völkerrecht], Pluralistische Gesellschaften und Internationales Recht, *BR* 609

de Wet, Erika, *The Governance of Kosovo: Security Council Resolution 1244 and the Establishment and Functioning of EULEX*, *CD* 83

Dicke, Klaus, Christian Tietje, Andreas Zimmermann, et al. (Eds.), *Weltinnenrecht: Liber amicorum Jost Delbrück*, *BR* 609

Diplomatic and consular relations

immunity of foreign officials acting in official capacity, *CD* 530–32, *CP* 584–85

Discrimination

Durban World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001), Declaration and Program of Action, 355–56

UN Convention on the Elimination of All Forms of Racial Discrimination (CERD) (1965)

application of, as basis of jurisdiction, *ID* 294–99

Committee on the Elimination of Racial Discrimination, 299

criticizes U.S. actions, 596

U.S. presents reports to, *CP* 596–97

U.S. boycotts Durban Racism Review Conference, *CP* 355–57

Djibouti, in case against France before ICJ, *CD* 529–31

Doyle, Michael W., *Striking First: Preemption and Prevention in International Conflict*, *BR* 384

Dupuy, Pierre-Marie, and Luisa Vierucci (Eds.), *NGOs in International Law: Efficiency in Flexibility?* *BR* 777

Dutton, Peter A., *Caelum Liberum: Air Defense Identification Zones Outside Sovereign Airspace*, *NC* 691

Economic Community of West African States (ECOWAS)

Community Court of Justice, 44

exhaustion of domestic remedies, 313–16

jurisdiction over human rights violations, 313

protection from and obligation to suppress slavery, *ID* 311–17

Revised Treaty of (1993), 312

Treaty of the Economic Community of West African States (1975), **2005 Supplementary Protocol to 1991 Protocol**, 312, 314

Editorial Comments, 48, 684

Eminent Jurists Panel on Terrorism, Counter-Terrorism and Human Rights, *Assessing Damage, Urging Action*, *BR* 808

Environment

Antarctic Treaty (1959), 589

Protocol on Environmental Protection (1991), **Annex**, submitted to U.S. Senate, 589

U.S. proposals on marine pollution rules and tourism, 589

climate change and U.S. Diego Garcia military base, 323–24

corporate treaty performance and UNESCO World Heritage Convention, *NC* 510–26

Energy and Biodiversity Initiative (EBI), 514–15, 521–22

Protocol to International Convention for the Prevention of Pollution from Ships (1973) (Marpol 73/78) (1978), 555–59

Protocol to 1972 London Convention on Prevention of Marine Pollution by Dumping of Wastes (1996), 135, 694

Secretary of State on climate change and polar issues, *CP* 588–89

U.S. Arctic policy statement, *CP* 342–49

U.S. hosts Antarctic Treaty Parties Consultative Meeting, *CP* 588–89

U.S. limits commercial fishing in Arctic, *CP* 366–67

U.S. opposes Iceland's commercial whaling quota, *CP* 366

Vienna Convention for the Protection of the Ozone Layer

Montreal Protocol on Substances that Deplete the Ozone Layer (1987), 220–21, 588

See also UNESCO Convention for the Protection of the World Cultural and Natural Heritage

European Bank for Reconstruction and Development, leadership selection, 227–28, 248–49

European Community (EC) 6–7, 36, 464

Commission of the European Communities

ECJ case on pre-accession BITs and EC Treaty, *ID* 716–22

ECJ case on UNSC sanctions regulations, *ID* 305–11

customary international law and EC legal order, 556–59

Directive 2005/35/EC on Ship-Source Pollution and on the Introduction of Penalties for Infringements, 555–59

right of innocent passage, 556–58

validity review, *ID* 555–61

ECJ case, relationship between EC law and norms of international law, *ID* 555–562

fundamental human rights under EC law, 305, 307–11

observance of international agreements, 556–57

Treaty Establishing the European Community (1957), 307–09, 556

exclusive jurisdiction in dispute settlement, 721–22

“hypothetical incompatibility” with, 717, 720–21

movement of capital to and from third countries, 717–18, 721

obligation to eliminate incompatible pre-accession treaties, *ID* 716–22

WTO Appellate Body case on retaliatory trade measures, *ID* 299–305

European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), 320, 464

freedom of association and assembly, 568, 570–72

interpretation of, in light of international law, *ID* 567–74

European countries, leadership positions in international organizations, 209–10, 227–29, 231–35, 239, 242–43, 247–59

European Court of First Instance (ECFI), authority to review UNSC resolutions, 307, 309

European Court of Human Rights (ECHR), 2 methodology in interpreting Human Rights Convention, *ID* 567–74

right to collective bargaining and trade union formation, *ID* 567–74

European Court of Justice (ECJ) 2, 5, 7, 13–14, 36, 38, 42–43

customary international law and EC legal order, *ID* 556–61, 720–22

fundamental human rights, 305, 307–10

“hypothetical incompatibility” test, 717, 720–21

incompatibility of pre-accession BITs, *ID* 716–22

invocability and direct effect in international agreements, 557–60

judicial appointments to, 233

obligation to implement UNSC sanctions resolutions, *ID* 305–11

right of innocent passage, 556–58

“serious negligence” standard vs. legal certainty principle, 556–57

validity review of EC Directive and international agreements, *ID* 555–61

European Union (EU), 84, 87–88, 232–33, 235, 259

Charter of Fundamental Rights, 571–72

Council of the European Union, 464

ECJ case on UNSC sanctions regulations, *ID* 305–11

EU Rule of Law Mission in Kosovo (EULEX), *CD* 83–96

creation of, by Joint Council, 83, 88

See also Kosovo

Extraordinary Chambers in the Courts of Cambodia (ECCC), 117

Cambodian and international law, 116–20, 121–22

civil party participation, 116–20, 122

Internal Rules, 117–20

victims’ role in pretrial proceedings, *ID* 116–22

Farer, Tom J.

Confronting Global Terrorism and American Neo-conservatism: The Framework of a Liberal Grand Strategy, *BR* 796

Theorizing International Law: The Move to a Literary Optic, *BRE* of Morgan, 368

- Farrall, Jeremy Matam, United Nations Sanctions and the Rule of Law, *BR* 393
- [The] Financial Meltdown and Its International Implications, *Ed.* 684
- Focarelli, Carlo, *ID* 122–31
- Food and Agriculture Organization (FAO)**
 leadership selection and regional representation, 225, 230, 232, 258
 U.S. supports new convention to combat unregulated fishing, *CP* 775–76
- Foster, Michelle, International Refugee Law and Socioeconomic Rights: Refuge from Deprivation, *BR* 784
- France,**
 ICJ case by Djibouti, *CD* 529–31
 leadership positions in international organizations, 229–32, 247–51, 262
 Noriega extradition to, *CP* 590–91
 [The] Francis Deák Prize, *NC* 526
 Franck, Thomas M. (1931–2009), memorial on, 502–09, *see also* Higgins, Rosalyn
- Gallus, Nick, *ID* 722–27
- [The] **Gambia**, response to HIV/AIDS issues, 454–55
- General Agreement on Tariffs and Trade (GATT)** (1947), *see* World Trade Organization
- Geneva Convention (No. III) Relative to the Treatment of Prisoners of War** (1949), 50–51, 54, 56, 58, 590–91
- Geneva Convention (No. IV) Relative to the Protection of Civilian Persons in Time of War** (1949), 50–51, 53, 55, 57–58, 64
- Geneva Conventions for the Protection of Victims of War** (1949), 52, 58, 590
 common Article 3, 50–51
- Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)** (1977), 51–52, 56, 426–27
 precautionary measures, 430, 434–37, 440–41, 444
 proportionality, 427, 430, 433–35, 438
- Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-international Armed Conflicts (Protocol II)**, 50–52
- Genocide**, 606–07, 743–44
- Convention on the Prevention and Punishment of the Crime of**, (1948), 532–35
- Georgia**
 ICJ case, *ID* 294–99, *CD* 537–38
 U.S. statements on Russian intervention and recognition of South Ossetia and Abkhazia, *CP* 138–40
- Germany, Federal Republic of**, in case before ItCC, *ID* 122–31
- Gervais, Daniel, *ID* 549–55
- Gibson, Christopher
BR of Holtzmann and Kristjánsdóttir, 193
BR of Permanent Court of Arbitration, 193
- Glennon Michael J., The War Powers Resolution, Once Again, *NC* 75
- Goodman, Ryan, The Detention of Civilians in Armed Conflict, *Ed.* 48
- [The] Governance of Kosovo: Security Council Resolution 1244 and the Establishment and Functioning of EULEX, *CD* 83
- Greenwood, Christopher, elected ICJ Judge, 539
- Group of 20 (G-20)**, 241–42, 244, 684
- Guantánamo Bay**, *see* Cuba, United States Department of Defense;
- Guerzovich, M. Florencia, *see* Helfer, Laurence R.
- Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict**, U.S. Senate approves, 135, 138
- Hague Convention on Civil Aspects of International Child Abduction** (1980)
 USSC to hear case under, *CP* 772–73
- Helfer, Laurence R., Karen J. Alter, and M. Florencia Guerzovich, Islands of Effective International Adjudication: Constructing an Intellectual Property Rule of Law in the Andean Community, *LA* 1
- Higgins, Rosalyn
 ICJ President, 527
 statements to UN, ILC and Asian African Legal Consultation Organization, 532, 539–40
- Thomas M. Franck (1931–2009), 502–09
- Holtzmann, Howard M., and Edda Kristjánsdóttir (Eds.) International Mass Claims Processes: Legal and Practical Perspectives, *BR* 193
- Human rights**
 foreign sovereign immunity, *ID* 122–31

- fundamental human rights under EC law, 305, 307-11
- judicial review, 305, 308
- protection from slavery, *ID* 311-17
- right of return of indigenous population, *ID* 317-24
- right to be heard, 305, 308, 310
- right to collective bargaining and trade union formation, 570-72
- right to property, 305, 308-09
- right to water, 275-76
- sanctions-targeted individuals and entities, 309, 311
- UN officials criticize U.S. policies and practices, *CP* 594-97
- See also* International human rights law
- Human rights in UN development operations**, *LA* 446-501, *LA* 647-83
- human resource and staffing policies, 458-59
- incentives, accountability and support for, 452-61, 499, 668-70
- Millennium Development Goals, 470, 486
- obligations of UN and its agencies, 451-64, 471-81, 657-58
- duty to protect, 451, 474-77, 480, 485, 500
- interpretive practice, 448-50, 481-97
- sources and scope of, under international law, 464-71
- purpose and practices of UN, 446-48, 450-55, 466, 469-71, 481-82, 494-97
- System-Wide Coherence (SWC) process, 449, 462, 482-85, 488-89, 491, 495, 499
- Triennial Comprehensive Policy Review (TCPR), 449 460, 482-85, 488, 495
- UN Charter provisions, 448, 450, 452, 454, 464-73, 481-85, 487-93, 496-97, 658
- See also* UN Development Program; UN General Assembly, World Bank
- Iceland**, U.S. opposes commercial whaling quota of, *CP* 366
- India**, U.S.-India Nuclear Cooperation Agreement brought into force, *CP* 163-64
- Intellectual property law**
- Andean Community, *LA* 1
- See also* Andean Tribunal of Justice
- Inter-American Development Bank**, leadership selection in, 227-28, 248-49
- International Accounting Standards Board**, 686-87
- International air law**
- Air Defense Identification Zones (ADIZs), 691, 698-700, 704, 707, 709
- overflights outside sovereign airspace, *NC* 691-709
- U.S. system, 691, 698-700
- caelum liberum*, 691-92
- military overflight of Exclusive Economic Zones (EEZs), 693-98, 700-09
- national security, 691-92, 699, 704-09
- sovereignty, 693, 696-97, 700-701, 705-08
- treaty developments in, 692-98, 701, 707-08,
- See also* Aviation, Law of the sea, Environment
- International Atomic Energy Agency (IAEA) Convention on the Physical Protection of Nuclear Material** (2005)
- U.S. Senate approves amendment to, 138
- leadership selection, 230, 234
- U.S. ratifies Additional Protocol for the Application of Safeguards in the U.S., *CP* 365-66
- International Committee of the Red Cross (ICRC)**, 56, 58, 233, 331, 333, 488
- International Council on Mining and Metals (ICMM)**, on mining and protected areas, 514-16, 520-24
- International Court of Justice**
- customary nature of UNCLOS provisions, 557-58
- docket and future work, 541-42
- equidistance and angle bisector delimitation methods, *ID* 543-48
- generally accepted practice, 467
- implied powers of international organizations, 468-69
- jurisdiction, 294-98, 362-63, 532-36, 544-45
- CERD as a basis of, *ID* 294-99, *CD* 537-38
- contradictory decisions on, *NC* 264-71
- forum prorogatum*, 528-29
- Mavrommatis* doctrine, 269-71, 532-33
- obligations of international organizations, 657-58
- positive obligation to suppress slavery, 314-15
- procedural and administrative matters, 538
- rejection of Mexico request to interpret *Avena*, *CP* 362-64, *CD* 535-36

relations with other UN organs, 538-41
right to equitable sharing of international watercourses, 291
selection of judges, 222, 224, 231-32, 250-51, 539
Serbia's capacity to participate, 264, 266, 270-71, 532-35
sovereignty, 288, 528-29
state immunity, 530-32
state practices under mutual legal assistance treaty, *CD* 529-32

Statute of the International Court of Justice, 224, 264-65, 267-69, 473, 528
election and qualifications of judges, 222, 224

interpretation of judgment, *CP* 362-64, 536
jurisdiction, 362-63, 536, 544
states parties and UN membership, 265-68
submission by special agreement, 528, 536
UNGA request for advisory opinion on Kosovo independence, *CP* 140-42, *CD* 538-39
U.S. violation of provisional measures order in *Avena* case, *CP* 362-64

Yugoslavia's UN membership, 264-70

International Criminal Court (ICC)

allocation of judgeships, 225

Rome Statute of the International Criminal Court (1998), 121

judicial qualifications, 222-23
Prosecutor application for arrest warrant against Sudan President, 153
U.S. recognizes role for, in Darfur, *CP* 152-54
victims' right to participate in proceedings, 119, 121

International criminal law

civil liability for international crimes and sovereign immunity, *ID* 122-31
media responsibility, *ID* 97-103
Noriega extradition to France approved by U.S. court, *CP* 590-91
piracy, *ID* 734-40
restorative justice, 120-21
U.S. denounces release of Pan Am 103 bomber al-Megrahi, *CP* 764-65

International Criminal Tribunal for the Former Yugoslavia (ICTY), 57

allocation of judgeships, 229-30, 233, 251

Review Committee on alleged NATO bombings in Kosovo conflict, 428-22, 436

U.S. affirms support for, *CP* 591-92

U.S. denies Karadžić amnesty deal with Holbrooke, 591-92

International Criminal Tribunal for Rwanda (ICTR)

allocation of judgeships, 229-30, 251
continuing offense theory, 97-98
greatest responsibility for acts, 98, 103-05
hate speech decision, 99-100
jurisdictional starting date of, 97-102
media incitements to persecution or genocide, *ID* 97-103

International Decisions, 97, 294, 543, 710

International economic law

fair and equitable treatment, 603-04, 722-27
G-20 Declaration and Action Plan on global economy, *CP* 149-52

"hypothetical incompatibility" test, 717, 720-21

national treatment, 710-12

protection and constant security, 722-24

renunciation of legal remedies, 724

unreasonable or discriminatory actions, 723

See also International investment law; International trade law

International environmental law

confined transboundary groundwater, 272-73, 282-84

human rights law, 275-276, 297-98

ILC Draft Articles on Transboundary Aquifers, *CD* 272-93

armed conflict and emergencies, 280-81

exchange of data and information, 276-77

management, protection and preservation, 274, 276-80, 284, 293

relationship to UN Convention on the Law of Non-navigational Uses of International Watercourses, *CD* 272-85

sovereignty of aquifer States, *CD* 285-92

UN Convention on the Law of the Non-Navigational Uses of International Watercourses (1997), and ILC Draft Articles on Transboundary Aquifers, *CD* 272-93

International humanitarian law

crimes against humanity, 105-07, 104, 117, 124, 126

- detention of civilians in armed conflict, *Ed.*, 48-74
- "absolutely necessary" for security, 55, 57
- conflation and disaggregation in law of, 48-49, 60-74
- preventive, 48-49, 55, 57
- scope of legal authority, 48-49, 50-72
- U.S. policies and court rulings, 48-49, 54, 57-74
- forced marriages and sexual slavery, *ID* 103-10
- foreign sovereign immunity, *ID* 122-31
- gender-based crimes, 107-08
- international and noninternational conflicts, 49-51, 53-54, 57
- lawful and unlawful "enemy" combatants, 48-66, 70, 72-73
- U.S. definitions of, 60-63, 65, 72-74
- non-consensual human medical experimentation, 592-93
- permissible and proscriptive coercive actions under, 48-73
- U.S. policy, 68, 70-73
- recruitment and use of child soldiers, 104-05, 107-10, 167
- virtual military technologies and civilian casualties, 409-15, 417, 419-443, 445
- See also* Geneva Conventions for the Protection of Victims of War; Laws of war
- International human rights law**
- EC Treaty, 305, 307-11
- individuals targeted by sanctions, 305, 307-11
- international humanitarian law, 297-98
- obligations of international organizations, 455, 460, 472, 481, 485, 657-58, 665
- protection from slavery, *ID* 311-17
- states as principle duty bearers of responsibilities, 462, 466, 478
- See also* Human rights; International humanitarian law
- International investment law,**
- accounting and financial reporting, 686-87
- bilateral investment treaties (BITs) and EC Treaty provisions, 716-22
- democratic sovereignty, 689-90
- fair and equitable treatment, 603-04, 722-27, 769, 688-89
- market regulation, 684-86
- national treatment, *see* International economic law
- protection and constant security, 722-24, 769
- provisions for, in U.S.-Peru Trade Agreement, *CP* 769-70
- transfer clauses, 717-19
- U.S. response to economic crisis, *Ed.* 684-90
- International Labour Organization (ILO),** 221, 487, 568, 586-87
- Convention Concerning Freedom of Association and Protection of the Right to Organize (No. 87)** (1948), 571
- Convention Concerning the Right to Organize and Bargain Collectively (No. 98)** (1949), 571-72
- U.S. notifies Congress of new ILO Conventions and Recommendations, *CP* 586-87
- International law**
- accountability of international organizations as distinct from states, 472
- attribution of responsibility for conduct, 94-95
- constitutive international agreements, 213-19
- deportation and forced labor, 123-26
- diplomatic assurances, 353-55
- direct effect, 557-60, 567
- duty of diligence, 474
- effective rule of law, 2-4, 8, 11, 13-18, 21-25, 35-36, 38-46
- foreign sovereign immunity, *CP* 581-85, *ID* 727-34
- forum prorogatum*, 528-29
- fragmentation of, 573
- good faith, 556, 559
- international tribunals' contributions to, 2-6, 34, 40, 44-46
- invocability, 557-60
- jure gestionis*, 129-31
- jure imperii*, 124
- jus cogens*, 126, 128-29, 307-09, 470-71, 473, 496, 657-58
- jus standi*, 270
- Mavrommatis* doctrine, 269-71, 532-33
- non-immunity rule, 125-29
- nonjusticiable political question, 336-37, 354
- obligations under general principles of, 657-58
- "prerogative" colonial law, *ID* 317-24
- presumption of innocence, 118, 121-22
- rebus sic stantibus*, 558-59, 720

res judicata, 266, 270–71
 right to fair trial, 116–17
 rule of non-inquiry, 354
 single issue rule of law in regional systems, *LA* 1–47
 sovereign equality, 212, 219–20, 226, 236, 238, 244
 sovereignty, 126, 130, 285–92, 317–24, 450, 491–92, 693, 696–97, 700–701, 705–08
See also Customary international law; Law of treaties

International Law Commission (ILC)

adoption of Draft Articles on Transboundary Aquifers, *CD* 272–93
 legal regimes of transboundary groundwater and oil and natural gas, 274
 non-navigational uses of international watercourses, 272–73, 277, 282–85, 287
 Resolution on Confined Transboundary Groundwater (1994), 272–73

See also International environmental law

Articles on Responsibility of States for Internationally Wrongful Acts, 724–25

draft Articles on the Responsibility of International Organizations, 464, 477–79, 488
 fragmentation of international law, 573
 leadership selection in, 225, 230–31, 235–36, 252, 263

Perm-5 convention, 230, 235–36

Seoul Rules on International Groundwaters (1986), 280, 283

[The] International Law Commission Adopts Draft Articles on Transboundary Aquifers, *CD* 272

International Legal Materials, Contents, 208, 408, 645, 822

International Monetary Fund, 7, 11, 148, 239, 687–88

human rights policies, 456, 472–73

leadership selection, 209–12, 222, 227–28, 234–35, 240–48

U.S.-Europe gentlemen's agreement, 209–12, 227, 243–44, 247–48

voting rights, 212, 240–41, 245

International Organization for Migration (IOM), leadership selection, 233–34, 261

International organizations

accountability of, as distinct from states, 472

human rights in development operations, *LA* 446–501, *LA* 476–83

leadership selection and operational constitution of representation, *LA* 207–63

formal and informal agreements and limitations, 209–39, 247–63

Perm-5 convention on representation on UN bodies, 229–31

U.S.-Europe gentleman's agreement, 210–11, 217, 227, 243–44

international financial institutions, 209–10, 214, 219–20, 223, 227–29, 235, 239–46

reform, 227, 238–46

regionalism, 212, 221–29, 231–35, 237–38, 240, 245, 255–56

rotational systems, 223–24, 226, 228, 231–33, 240

rule making, 212–19

major office holders, 232–34, 247–63

obligations under general principles of international law, 657–58

organizational culture and legalization of norms, 650–54

See also United Nations; World Trade Organization; World Bank

International trade law

Anti-Counterfeiting Trade Agreement, 554–55

distinction between goods and services, 710, 715–16

enforcement of prohibitions on transactions involving Iran, *CP* 367

national treatment, *see* International economic law

trading rights, *ID* 710–16

See also International economic law; International investment law

International Tribunal for the Law of the Sea (ITLOS), allocation of seats, 221, 223, 226

Iran

U.S. enforces prohibitions on transactions with, *CP* 367

U.S. will seek engagement with Iran on nuclear issues, 602

USSC case on immunity from terrorism claims, *CP* 581–82, *ID* 727–34

See also Iran-U.S. Claims Tribunal

Iran-U.S. Claims Tribunal, *CP* 581–82, *ID* 729–31, 733–34

Algiers Accords (U.S./Iran), 728–29, 731–33
immunity of Iran from terrorism claims in case before USSC, *CP* 581–82, *ID* 727–34

Iraq

approval of Status-of-Forces Agreement with U.S., *CP* 132–35
indictment of Blackwater security guards for 2007 civilian killings in, *CP* 360–62
proceedings against U.S. military personnel for offenses against Iraqi civilians, *CP* 358–60
sovereign immunity in light of waiver of liability in terrorism suits, *CP* 582–84
UN Multi-National Force–Iraq (MNF-I), *CP* 132–35
UNSC authority to authorize states to conduct civil administration in, 87
U.S. civilian court convicts former soldier for rape and murder in, *CP* 607
U.S. prosecutions for terrorism-related offenses in, *CP* 765–68

Islands of Effective International Adjudication: Constructing an Intellectual Property Rule of Law in the Andean Community, *LA* 1

Israel, common law immunity of former Israeli official, *CD* 530–32, *CP* 584–85

Italian Court of Cassation (ItCC)

foreign sovereign immunity and civil liability for international crimes, *ID* 122–31

Japan

leadership positions in international organizations, 210, 227–29, 232, 239, 242, 247–48, 256–57, 259, 262

Johnston, Douglas M., *The Historical Foundations of World Order: The Tower and the Arena*, *BR* 623

Jordan, Lisa, and Peter van Tuijl (Eds.), *NGO Accountability: Politics, Principles & Innovations*, *BR* 170

Jurisdiction

admissibility of evidence prior to court's starting jurisdictional date, 97–102
Caribbean Court of Justice, 561–67
ECJ, 305, 307–09, 721–22
forum prorogatum, 528–29
ICJ, 264–71, *ID* 294–99, 362–63, 528–29, 532–38, 544–45

immunity of foreign States, *ID* 122–31
locus standi of private entities, 561, 563–66
Mavrommatis doctrine, 269–71, 532–33
nonjusticiability, 318–19, 336–37, 354
persons held by U.S. forces in other countries, *CP* 133–35, *CP* 361–62, *CP* 763–64

UN Convention on Jurisdictional Immunities of States and Their Properties, 126

universal, over piracy, *ID* 734–40

Kenya, agreement with U.S. on transfer of pirates for prosecution in, *CP* 754–55

Kirgis, Frederic L., *BR* of Farrall, 393

Kissling, Claudia, *see* Steffek, Jens

Koh, Harold Hongju, *Transnational Litigation in United States Courts*, *BR* 625

Kontorovich, Eugene, *ID* 734–40

Korea, North

rejection of nuclear commitments, withdraws from talks, tests nuclear weapon, *CP* 597–600

removal from list of state sponsors of terrorism, *CP* 164–65

six-party principle of “action for action” on nuclear program, *CP* 164

UNSC presidential statement and sanctions against, *CP* 597–600

U.S. policy on North Korean nuclear program, *CP* 164–65

U.S. presses for strengthened sanctions against, 598

Kosovo

European Union Rule of Law Mission in Kosovo (EULEX), *CD* 83–96

coordination with UNMIK, 83–86, 88, 91–95,

ex post facto legalization of, by UNSC, 89

mandate, legal basis for, 84–89

rule of law responsibilities, 83, 88, 91–94, 96

ICTY Review Committee on alleged NATO bombings in, 428–22, 436

Kosovo Force (KFOR), *see* North Atlantic Treaty Organization (NATO)

UN governance of, *CD* 83–96

UNGA request for ICJ advisory opinion on independence of, *CP* 140–42, *CD* 538–39

U.S. opposes, *CP* 140–42

UN Special Representative for, 83–84, 86–91, 93, 96

See also UN Interim Administration Mission in Kosovo (UNMIK)
Kristjánssdóttir, Edda, *see* Holtzmann, Howard M.

Lathrop, Coalter G., *ID* 543-49
Lavranos, Nikolaos, *ID* 716-22
Law and War in the Virtual Era, *LA* 409

Law of the sea

Convention for Suppression of Unlawful Acts against the Safety of Maritime Navigation

Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, U.S. Senate approval, 137

exclusive economic zones (EEZs), 693-98, 700-09

Ilulissat Declaration on Arctic, 149

New York Declaration, 753-54

right of innocent passage, 556-58

right to operate lawfully on high seas, 350-51
shiprider agreements, 752

UN Convention on the Law of the Sea (UNCLOS) (1982), 135, 148-49, 323, 351, 547, 555-60, 693-98, 701, 704, 707-08, 739

Commission on the Limits of the Continental Shelf, 148, 226

customary international law, 557-60

exclusive economic zone (EEZ) provisions, 693-94, 696-98, 704

maritime delimitation methodology, 546-47

nature and logic of, 556, 560

piracy definition and two-ship requirement, 736-38

primacy over EC legislation, 556-59

universal jurisdiction, *ID* 734-40

U.S. comments on Russian claims to continental shelf in the Arctic, *CP* 148-49

U.S. policy on criminal prosecution of persons implicated in piracy, 754-55

U.S. sanctions for high seas pollution by foreign vessels entering U.S. ports, *CP* 755-58

See also Environment

Law of treaties,

interpretation of treaties, *ID* 561-67, *ID* 567-74

rebus sic stantibus, 558, 720

Vienna Convention on the Law of Treaties, 566, 568-69, 572-74

Laws of war

armed conflict against armed groups, 352-53
distinction principle, 426, 433, 436

enemy combatants, enemy combatants, *Ed.* 48-74, 351-53, 414-15, 426, 442-43

jus ad bellum, 443

jus in bello, 410, 425-28, 443, 445

rules of engagement, 421-23

terrorists, 423-24, 443

virtual military technologies, *LA* 409-45

criminal responsibility, 433-39

legal framework and responsibilities of, 409-11, 417-22, 424-29, 435-42, 435

proportionality test, 428-33

protection of civilians, 409-10, 415, 417, 424-29, 445

redefining victory, 422-25

taking all feasible precautions, 411, 427-28, 430, 434-42, 444

Lehnardt, Chia, *see* Chesterman, Simon

Liberia

Charles Taylor Jr. convicted in U.S. of criminal charges, including torture, *CP* 166-67

Libya

claim of aerial sovereignty over Gulf of Sidra, 700-01

release of Pan Am 103 bomber al-Megrahi to, *CP* 764-65

Macdonald, Terry, Global Stakeholder Democracy: Power and Representation Beyond Liberal States, *BR* 777

Mackinnon, Catharine A., *ID* 97-103

Maggs, Gregory E.

BR of Chesterman and Lehnardt, 198

BR of Scahill, 198

Malaysia, in territorial dispute with Singapore before ICJ, 528-29

Marks, Susan (Ed.), International Law on the Left: Re-examining Marxist Legacies, *BR* 178

Marouf, Fatma E., and Deborah Anker, Socioeconomic Rights and Refugee Status: Deepening the Dialogue Between Human Rights and Refugee Law, *BRE* of Foster, 784

Marshall, Chief Justice John, on presidential powers in external relations, 79

- Mathias, D. Stephen, The 2008 Judicial Activity of the International Court of Justice, *CD* 527
- Matz, Nele, Wege zur Koordinierung völkerrechtlicher Verträge, *BR* 609
- Mauritius**, sovereignty dispute with UK over Chagos Archipelago including Diego Garcia, 322
- McCaffrey, Stephen C., The International Law Commission Adopts Draft Articles on Transboundary Aquifers, *CD* 272
- Melzer, Nils, Targeted Killing in International Law, *BR* 813
- Mettraux, Guénaél, The Law of Command Responsibility, *BR* 800
- Mexico**, in consular notification case before ICJ, *CP* 362–64, *CD* 535–36
- Meyerstein, Ariel, *ID* 727–34
- Military commissions**
 confession extracted under torture, *CP* 160–61
 international humanitarian law, 49, 56–62, 65–67, 71, 73
 second full military commission trial, *CP* 157–58
 suspension of military commission proceedings of Guantánamo detainees, 328
 U.S. to revise and retain system of, *CP* 579
- Miller, Russell A., *BR* of Farer, 796
- Moekli, Daniel, Human Rights and Non-discrimination in the 'War on Terror' *BR* 635
- Morgan, Ed, The Aesthetics of International Law, *BR* 368
- Multilateral Investment Guarantee Agency (MIGA)**, leadership selection, 228, 234, 248
- Myanmar**, *see* Burma (Myanmar)
- Nanz, Patrizia, *see* Steffek, Jens
- National War Powers Commission**
 constitutionality of recommendations on war powers in report of, *NC* 75–82
- Newton, Michael A., and Michael P. Scharf, Enemy of the State: The Trial and Execution of Saddam Hussein, *BR* 396
- Niger**, in case before ECOWAS Community Court of Justice, *ID* 311–17
- Nordeide, Ragnar, *ID* 567–74
- North American Free Trade Agreement (NAFTA)** (1992), 688
 dismissal of Canadian mining company claim against U.S., *CP* 602–04
 fair and equitable treatment, 603–04
- North Atlantic Treaty Organization (NATO)**,
 leadership selection, 233, 261
 military force in Kosovo (KFOR), 94–95
 Russian intervention and recognition of South Ossetia and Abkhazia, 140
- Nordic Council**, rotational arrangement, 223
- Notes and Comments**, 75, 264, 510, 526, 691
- Nußberger, Angelika, Sozialstandards im Völkerrecht, *BR* 609
- Nzelibe, Jide, *BR* of Trachtman, 619
- O'Connell, Mary Ellen, The Power and Purpose of International Law, *BR* 388
- Oosterveld, Valerie, *ID* 103–10
- Organization for Economic Cooperation and Development** 234, 246
 leadership selection, 232–34, 246, 262
- Organization for the Prohibition of Chemical Weapons**, allocation of seats and senior posts, 221, 230, 233
- Organization for Security and Cooperation in Europe**, responsibilities in Kosovo, 84, 88, 91
- Organization of African Unity (OAU)**, *see* African Union
- Organization of American States (OAS)**, 87–88, 220, 231
 Cuba declines invitation to rejoin, *CP* 585–86
- Inter-American Commission on Human Rights**, 57, 472
 U.S. joins consensus on resolution inviting Cuba to rejoin, *CP* 585–86
- Pakistan**, U.S. missile strikes on terrorism suspects in, *CP* 161–62, *CP* 364, *CP* 772
- Pelofsky, Eric J., and Eric H. Blinderman, *BR* of Newton, 396
- Permanent Court of Arbitration**
 (Ed.), Redressing Injustices Through Mass Claims Processes: Innovative Responses to Unique Challenges, *BR* 193
 leadership selection, 233–34
- Peru**
 National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI), 11–12, 19, 22, 28–29
 U.S.-Peru Trade Promotion Agreement (PTPA), *CP* 768–70

- U.S. transfers embezzled police pension funds to, *CP* 774-75
- [The] Pillar of Glass: Human Rights in the Development Operations of the United Nations, *LA* 446
- Pluralistische Gesellschaften und Internationales Recht, *BR* 609
- [The] Private Life of Environmental Treaties, *NC* 510
- Recent Books on International Law**, 170, 368, 609, 777
- Regional organizations**, and authority to conduct civil administration, 87-88
- Reisman, W. Michael, *see* Alvarez, Guillermo Aguilar
- Representation and Power in International Organizations: The Operational Constitution and Its Critics, *LA* 209
- Restatement of Torts, 287
- Restatement (Second) of Foreign Relations Law of the United States, 585
- Rice, Susan,
statement on U.S. candidacy to Human Rights Council, *CP* 357-58
UN Ambassador-designate, on U.S. interests and priorities at the UN, *CP* 340-42
- Ripinsky, Sergey, and Peter van den Bossche, NGO Involvement in International Organizations: A Legal Analysis, *BR* 777
- Robinson, Davis R., *BR* of Doyle, 384
- Rodríguez, Cristina M., *BR* of Spiro, 180
- Roeben, Volker, *see* von Bernstorff, Jochen
- Romania**
maritime boundary dispute with Ukraine before ICJ, *ID* 543-49
- Russia**, 238-39
ICJ case on CERD as basis of jurisdiction, *ID* 294-99, *CD* 537-38
leadership positions in international organizations, 229-32, 250-51, 255
U.S. comments on Russia's claims to continental shelf in the Arctic, *CP* 148-49
U.S. objections to intervention and recognition of South Ossetia and Abkhazia, *CP* 138-40
U.S. President urges negotiation of new strategic arms reduction treaty with, 600
- U.S.-Russia Arrangement on Cooperation in Enhancing Control of Man-Portable Air Defense Systems (MANPADS), 168
- U.S. withdraws proposed agreement on peaceful nuclear cooperation with, 140
- Sand, Peter H., *ID* 317-24
- Sarfaty, Galit A., Why Culture Matters in International Institutions: The Marginality of Human Rights at the World Bank, *LA* 647
- Scahill, Jeremy, Blackwater: The Rise of the Most Powerful Mercenary Army, *BR* 198
- Scharf, Michael P., *see* Newton, Michael A.
- Scheyli, Martin, Konstitutionelle Gemeinwohlorientierung im Völkerrecht, *BR* 609
- Schmitt, Michael N., *BR* of Melzer, 813
- Shulman, Mark R.
BR of Eminent Jurists Panel on Terrorism, Counter-Terrorism and Human Rights, 808
BR of Wittes, 808
- Serbia**, in case by Croatia, before ICJ, *CD* 532-35
- Settlement of disputes**
delimitations of EEZ and continental shelf boundaries, *ID* 545-49
donations and auctions of seized counterfeit goods, 549-53
equidistance and angle bisector delimitation methods, *ID* 543-49
fair and equitable treatment, *CP* 602-04, *ID* 722-27
- Shah, Sikander A., *BR* of Moeckli, 635
- Simmons, Beth A., *BR* of O'Connell, 388
- Singapore**, in territorial dispute with Malaysia before ICJ, 528-29
- Somalia**
legal authorities for anti-piracy operations, *CP* 147
New York Declaration, 753-54
UNSC resolutions on piracy off Somali coast, 750-52
U.S. continues attacks on suspected terrorists in, 163, *CP* 772
U.S. joins international response to pirates, *CP* 146-48, *CP* 750-55
- Sovereignty**
aquifer States, *CD* 285-92
Harmon Doctrine on international watercourses, 289
"prerogative" colonial law, *ID* 317-24

See also International law

Special Court for Sierra Leone, 104

Appeals Chamber

- admissibility of evidence, 106
- crimes against humanity, 105–06
- criminal responsibility for forced marriage, sexual slavery and use of child soldiers, *ID* 103–10
- exclusion of evidence, 106
- forced marriages, 104–09, 110
- gender based crimes, 104, 106, 108
- greatest responsibility for crimes, 104–05
- leave to amend, 105–06
- mandate to prosecute persons who bear greatest responsibility, 104–05

Spiro, Peter J., *Beyond Citizenship: American Citizenship After Globalization*, *BR* 180

State immunity, ID 122–31, CD 530–32

Steffek, Jens, Claudia Kissling, and Patrizia Nanz (Eds.), *Civil Society Participation in European and Global Governance: A Cure for the Democratic Deficit?* *BR* 777

Sudan

- UNSC renews mandate of African Union/UN Hybrid Operation in Darfur (UNAMID), *CP* 153–54
- U.S. opposes efforts to thwart ICC proceedings on Darfur, *CP* 152–54

Sweden, in case before ECJ on pre-accession bilateral investment treaties, *ID* 716–22

Switzerland

- agreement with U.S. on access to UBS bank account information on U.S. taxpayer accounts, *CP* 144–46, *CP* 339–40, *CP* 748–50
- Swiss UBS bank settles U.S. tax charges, *CP* 338–40

Syria, U.S. strikes against Al Qaeda draw protests, *CP* 161–62

Talmon, Stefan, *Kollektive Nichtanerkennung illegaler Staaten*, *BR* 609

Terrorism

Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (1971), 738

Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) (1988), 735, 739

International Convention for the Suppression of Acts of Nuclear Terrorism, U.S. Senate approves, 138

Libya makes final payment of Lockerbie claims settlement, *CP* 165–66

President revokes Bush Executive Order on interrogation and detention of terrorism suspects, 331–32

prosecutions in U.S. for terrorism-related offenses in Afghanistan and Iraq, *CP* 765–68

release of superseded legal memoranda on U.S. Presidential authority over treaties, detentions and terrorist activities, *CP* 334–36

UN Convention for the Suppression of Acts of Nuclear Terrorism (2005), U.S. Senate approval, 138

U.S. attacks on suspected terrorists in Somalia and Pakistan, *CP* 364, *CP* 772

U.S. removes North Korea from list of state sponsors of terrorism, *CP* 164–65

waiver of liability for state sponsors of, in terrorism suits, 581–84, 731–33,

Tietje, Christian, *see* Dicke, Klaus

Torture

Charles Taylor Jr. convicted in U.S. of criminal charges including torture, *CP* 166–67

Obama Executive Order banning torture and CIA prisons, *CP* 331–34

President revokes Bush Executive Order on interrogation and detention of terrorism suspects, 331–32

review in diplomatic assurance cases, *CP* 353–55

UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), 332–33, 353–54, 489

Trachtman, Joel P., *The Economic Structure of International Law*, *BR* 619

Treaties

- performance by private actors, 510–25
- private environmental governance, 512, 521–25
- U.S. Senate approves 78 treaties, *CP* 136–38

Turkey, in case before ECHR, *ID* 567–74

Turner, Jenia Iontcheva, *ID* 116–122

[The] 2008 Judicial Activity of the International Court of Justice, *CD* 527

Ukraine

maritime boundary dispute with Romania
before ICJ, *ID* 543–49

United Kingdom

Diego Garcia military base, arrangements with
U.S., 317–18, 321, 323

leadership positions in international organiza-
tions, 229–32, 251–52, 258

Magna Carta, 320–21

UKHoL case on right of return for internally
displaced persons, *ID* 317–24

U.S. denounces release of Pan Am 103 bomber
al-Megrahi, *CP* 764–65

United Kingdom House of Lords (UKHoL)

nonjusticiability of issues relating to U.S. Diego
Garcia military base, 319

United Nations, 220

admission of Serbia & Montenegro, 265–66,
270

attribution of responsibility for conduct to,
94–95

human rights in development operations, *see*
Human rights and UN development opera-
tions

international legal personality, 462–63

leadership selection arrangements, 229–33,
240

Legal Counsel opinion on Yugoslavia's mem-
bership and participation in UN, 264–65

obligations under international human rights
law, 455, 460, 480–81

Perm-5 convention on representation on UN
bodies, 229–31, 235

regional groups, 225, 231, 233, 237

U.S. Justice Department continues to pursue
oil-for-food violations, *CP* 607–08

U.S. Representative nominee on U.S. interests
and priorities at UN, *CP* 340–42

United Nations Charter, 297**Chapter VII**

binding sanctions under, 305, 307–08

mandates for civil administration, 86–95

human rights provisions, 448, 452, 454, 464–
73, 477, 480, 483, 485–88, 491–94, 496

primacy of Charter obligations, 487–48

regional organizations, 87–88

Secretary General, 222, 224

Security Council membership, 223–24

veto power, 224

United Nations Children's Fund (UNICEF),
475, 487, 495

**United Nations Commission on International
Trade Law (UNCITRAL)**

Arbitral Tribunal

absolute parameters, 724–25

fair and equitable treatment, *ID* 722–27

Arbitration Rules, 722–24, 770

**United Nations Convention on the Rights of
Persons with Disabilities (2006),** U.S. signs,
CP 773–74

**United Nations Declaration on the Right to
Development (1986),** 493

United Nations Development Program, 234

allocation of positions on, 225, 230, 234, 258

human rights policies, 447–48, 451, 453–54,
486–87, 495, 499, 648

constraints, 484–88

Executive Board discussions on, 449, 451,
460, 481, 485

Strategic Plan 2008–11, 460, 484, 493, 495

See also Human rights in UN development
operations

United Nations Economic and Social Council,
allocation of positions on sub-bodies, 225, 230

**United Nations Educational, Scientific and
Cultural Organization (UNESCO)**

**Convention for the Protection of the World
Cultural and Natural Heritage (1972),** 513

corporate interaction/compliance with,
510–25

implementation by states parties, 513–14,
524–25

“no go” areas, 511–23

World Heritage Committee and list of sites,
510, 512–14, 518, 520–22

United Nations General Assembly (UNGA)

allocation of positions, 224–25, 240

appointment of UN Secretary General, 224

election of ICJ judges, 224, 539

ICJ advisory opinion on Kosovo independence,
request for, *CP* 140–42, *CD* 538–39

U.S. opposes, *CP* 140–42

membership of Yugoslavia in UN, 264–65

Perm-5 representation on sub-bodies of, 230

System-Wide Coherence (SWC) process and
human rights, 449, 482–85, 488, 495

- Triennial Comprehensive Policy Review (TCPR) process and human rights, 449, 460, 482–85, 488, 495
- 2005 UN World Summit and Outcome Document on human rights, 448, 481–82, 497
- See also* Human rights in UN development operations
- United Nations Global Compact and Global Reporting Initiative**, 479, 525
- United Nations High Commissioner for Human Rights** (UNCHR), on U.S. Guantánamo detention policies and past practices, *CP* 594
- United Nations Human Rights Commission**, and Perm-5 convention, 235
- United Nations Human Rights Council**, 451, 483, 486–87
- report of Special Rapporteur criticizing U.S. practices, *CP* 594–96
- U.S. participation as observer and election to, *CP* 357–58, *CP* 608
- United Nations Interim Administration Mission in Kosovo** (UNMIK),
- coordination with EULEX, 84–96
- mandate, 84–91
- responsibilities of special representative for Kosovo for, 83–84, 86–87, 91, 93
- United Nations International Children's Fund** (UNICEF), allocation of positions, 225, 231, 257
- United Nations Secretariat**
- Perm-5 positions in, 230–32, 253–55, 257
- United Nations Secretary General**, 86, 88–90, 94–95
- appointment of, 222, 224, 231, 255
- authorization for EULEX, 88
- United Nations Security Council** (UNSC), 309
- adoption of multiple resolutions to combat piracy in waters off Somali coast, 750–52
- adoption of presidential statement and sanctions resolution against North Korea, *CP* 597–600
- Al Qaeda and Taliban Sanctions Committee (Resolution 1267), 305–06
- authority to take nonmilitary measures to administer a territory (Arts. 41, 48, and 53), 87
- composition of, 212, 223–25, 239–41
- continuation of Yugoslavia's membership in UN, 264
- counterterrorism efforts, 305–06
- debate on ICC application for arrest warrant against Sudan President, *CP* 153
- delegation of powers to Secretary General, 87
- election of ICJ judges, 224, 539
- establishment of EULEX in Kosovo under Resolution 1244, *CD* 83–96
- human rights of individuals targeted by sanctions, 305, 307–11
- implied powers, 87
- interpretation of resolutions by courts, 310
- judicial review of resolutions of, 305–11
- limitations on powers, 309, 311
- non-permanent membership, 231, 237, 240
- Perm Five (P-5), 223–24, 229–31
- convention on representation in UN bodies, 229–31
- veto power, 224
- primacy of resolutions, 308, 311
- procedures, 305–06, 311
- proportionality principle, 309
- renewal of mandate of African Union/UN Hybrid Operation in Darfur (UNAMID), *CP* 153–54
- U.S. abstains, 154
- Resolution 1244 on administration of Kosovo, *CD* 83–96
- treatment of territorial waters as high seas for the purpose of repressing piracy, 750–52
- use of "all necessary means," 750–53
- United States**
- Algiers Accords (U.S./Iran), 728–29, 731–33
- Alien Tort Claims Act (ATCA), 318
- Alien Tort Statute (ATS), 584, 592–93, 746
- Anti-Drug Abuse Act, 361
- Anti-Terrorism and Effective Death Penalty Act (AEDPA), 731
- Authorization for the Use of Military Force, 352–53
- Brazil, WTO Appellate Body case, *ID* 110–16
- Child Soldiers Accountability Act of 2008, 167
- consular notification case by Mexico before ICJ, *CP* 362–64, *CD* 535–36
- Detainee Treatment Act (DTA), 157, 332

Emergency Wartime Supplemental Appropriations Act (EWSAA), 583

Exon-Florio Act, 688

Federal Tort Claims Act (FTCA), 336, 747

Foreign Intelligence Surveillance Act, 335

Foreign Sovereign Immunities Act (FSIA), 581–85, 731–33

Immigration and Nationality Act, 167

intellectual-property-rights case before WTO, *ID* 549–55

leadership positions in international organizations, 209–10, 228–34, 238, 243–44, 247–52, 257–59, 261–62

Libyan Claims Resolution Act, 65

Military Commissions Act of 2006 (MCA), 62, 72, 155, 579–80, 590, 595

Military Extraterritorial Jurisdiction Act (MEJA), 360–62, 607

National Defense Authorization Act for Fiscal Year 2008, 583

piracy case before USCA, *ID* 734–40

response to economic crisis, *Ed.* 684

Sarbanes-Oxley statute, 685

Terrorism Risk Insurance Act (TRIA), 582, 728–30, 733

U.S.-Canada Great Lakes Water Quality Agreement, *CP* 604–05

U.S.-India Nuclear Cooperation Approval & Nonproliferation Enhancement Act, *CP* 163–64

U.S.-Iraq Status-of-Forces Agreement, *CP* 132–35

U.S.-Kenya Memorandum of Understanding on transfer of pirates, *CP* 754–55

U.S.-Libya Claims Settlement Agreement, 165

U.S.-Peru Trade Promotion Agreement (PTPA), *CP* 768–70

U.S.-Russia Arrangement on Cooperation on Enhancing Control of Man-Portable Air Defense Systems (MANPADS), 168

Victims of Trafficking and Protection Act (VPA), 728–31, 733

violation of ICJ provisional measures order in *Avena* case, *CP* 362–64, *CD* 535–36

War Powers Resolution (1973), *NC* 75–82

WTO case against China, *ID* 710–16

WTO case on continuation of retaliatory trade measures, *ID* 299–305

United States Central Intelligence Agency (CIA)

Executive Order banning torture and CIA prisons, *CP* 331–34

United States Congress

passage of Child Soldiers Accountability Act of 2008, *CP* 167

resistance to funding to end Guantánamo detentions, 577

War Powers Resolution, *NC* 75–82

“clear statement rule,” 80

joint presidential-congressional decision making, 76–77

power to declare war, 76–77, 79–80, 82

United States Constitution and international law

advice and consent of the Senate on treaties, 741–42

Congressional consultation to approve armed conflict, *NC* 75–82

due process clause, 736, 738

executive branch foreign relations powers, 78, *CP* 741–48,

Necessary and Proper clause, 736

Presentment Clause, 76

Suspension Clause, 579–81

United States Court of Appeals

California extension of statute of limitations for Armenian genocide claims law, rejection, *CP* 743–44

common law immunity of former Israeli official, *CD* 530–32, *CP* 584–85

conviction of CIA contractor for Afghan detainee death, *CP* 763–64

criminal charges against Luis Posada Carrilles (Venezuela), reinstatement, *CP* 168–69

dismissal of Sudan pharmaceutical plant bombing suit, *CP* 336–37

due process protection, 354–55

executive branch foreign affairs powers, *CP* 743–44

extradition, applicability of the Third Geneva Convention, 590–91

judicial review in diplomatic assurance cases, *CP* 353–55

legal standards under Alien Tort Statute, *CP* 592–93

nonjusticiable political questions, 318–19, 336–37, 354

Noriega extradition to France, *CP* 590–91

norm against nonconsensual medical experimentation, 592–93

piracy definition under international law, 736

preemption of suits against civilian contractors at Abu Ghraib, *CP* 746–48

SUA Convention to ordinary crimes, applicability, *ID* 734–40

tort claims against military contractors, 747

universal jurisdiction over piracy, *ID* 734–40

See also United States Department of Justice

United States Department of Defense

agreement with UK on Diego Garcia military base, 317–18, 321, 323

Air Defense Identification Zones (ADIZs) system, 691, 698–700

Army Field Manual on interrogation of detainees, 331–33, 760–61

COIN (counterinsurgency) doctrine, 417, 422–24

Combatant Status Review Tribunals, 61–62, 65, *CP* 155–57

detainees in Afghanistan, *CP* 579–80, *CP* 763–64

Guantánamo Bay

Attorney General directs inquiry into treatment of detainees, *CP* 770–71

Bush administration will not end detentions at, *CP* 154

categories of detainees, *CP* 575–76

detainees' right to habeas corpus review, *CP* 155–56, *CP* 579–81

detainee transfers and releases, *CP* 155–57, *CP* 161, 329–30, *CP* 577–79, *CP* 759–62

detainee trials and status review, *CP* 155–59, *CP* 579–81, *CP* 760–63

enemy combatants, definition, 155, *CP* 351–53

interrogation and detentions, *CP* 159–61, *CP* 331–34, *CP* 351–53, *CP* 760–63, *CP* 770–71

investigation of Air Force general in military commission trial, *CP* 157–58

military judge excludes confession as extracted under torture, *CP* 160–61

obstacles to closure, 328–31, *CP* 575–78, *CP* 758–59

President orders closing of detention facilities, *CP* 325–28

standards of confinement, 327–28

suspension, revision, and retention of military commissions, 328, *CP* 579

U.S. President-elect Obama calls for closure of, *CP* 154–55

U.S. Task Force Report on Interrogations and Transfers, 333–34, *CP* 760–63

guidelines for review and challenge of detentions in Afghanistan, *CP* 771–72

missile strikes on terrorism suspects in Pakistan and Syria, *CP* 161–62 *CP* 364

National Defense Strategy released, *CP* 142–44

navigational freedoms outside sovereign airspace, 698, 700–06

proceedings against U.S. military personnel for offenses against Iraqi and Afghan civilians, *CP* 358–60

reported directive on clandestine attacks on Al Qaeda in foreign countries, *CP* 161–63

Uniform Code of Military Justice (UCMJ), 63

U.S. Navy operations against pirates off Somali coast, 147–48, 754–55

use of “virtual” military technologies, 409–25, 429, 431, 435–37, 440–45

United States Department of Justice

agreement with Switzerland on access to UBS bank information on U.S. taxpayer accounts, *CP* 748–50

Attorney General directs inquiry into treatment of detainees, *CP* 770–71

Attorney General on prosecution of Guantánamo Bay detainees in U.S. courts, 328

civilian court convicts former soldier for rape and murder in Iraq, *CP* 607

continuation of pursuit of oil-for-food violations, *CP* 607–08

conviction of Charles Taylor Jr. in first U.S. case charging criminal torture, *CP* 166–67

criminal charges against Luis Posada Carrilles (Venezuela) reinstated, *CP* 168–69

criminal sanctions for high seas pollution by foreign vessels entering U.S. ports, *CP* 755–58

due process protection, 354–55

enemy combatants, definition, 155, *CP* 351–53

enforcement of prohibitions on transactions involving Iran, *CP* 367
indictment of Blackwater security guards for civilian killings, *CP* 360–62
investigation of tax evasion by U.S. clients of UBS bank, *CP* 144–46, 339–40, *CP* 748–50
Kansas man indicted for alleged participation in Rwanda genocide, *CP* 606–07
participation in International Competition Network conference on anti-trust issues, *CP* 605–06
Pfizer and Shell settle Alien Tort Statute claims for actions in Nigeria, *CP* 592–93
prosecutions for terrorism-related offenses in Afghanistan and Iraq, *CP* 765–68
release of Guantánamo detainees, 155–56
release of superseded legal memos on presidential authority over treaties, and detentions, and terrorist activities, *CP* 334–36
right to detain persons giving substantial support to terrorism, 351–53
statement of interest on case of Florida law on travel to Cuba, 745–46
transfer of embezzled police pension funds to Peru, *CP* 774–75
UBS bank settles U.S. tax charges, *CP* 338–40
UBS Swiss executive indicted in alleged tax-evasion conspiracy, *CP* 144–46, 338
U.S. Task Force Report on Interrogations and Transfers, *CP* 760–63

United State Department of State

abstention on UNSC renewal of mandate of African Union/UN Hybrid Operation in Darfur (UNAMID), 154
accession to ASEAN Treaty of Amity and Cooperation in Southeast Asia as executive agreement without setting precedent, and with reservation, *CP* 741–43
agreement with China banning importation of Chinese antiquities, *CP* 365
cooperation with Canada to gather data for continental shelf claims in Arctic, *CP* 774
denouncement of release to Libya of Pan Am 103 bomber al-Megrahi, *CP* 764–65
diversions of Man-Portable Air Defense Systems (MANPADS), efforts to control, *CP* 167–68

Durban Racism Review conference, boycotts, maintains reservations, *CP* 355–57
easement of opposition to ICC, *CP* 152–54
FAO convention on unregulated fishing, support for, *CP* 775–76
hosting of first meeting of Contact Group on Piracy off the coast of Somalia, 752
Iceland's commercial whaling quota, opposition, *CP* 366
joining of international efforts to combat piracy off Somali coast, *CP* 146–48, *CP* 750–55
joining of OAS consensus resolution on Cuban readmission, *CP* 586–87
leadership positions in international organizations, 209–10, 228–34, 238, 243–44, 247–52, 257–59, 261–62
Legal Adviser on role of ICC in Darfur case, *CP* 152–53
NATO Partnership for Peace Trust Fund Project, 168
negotiations with Canada to update Great Lakes Water Quality Agreement, *CP* 604–05
notification of Congress of new ILO Conventions and recommendations, *CP* 586–87
policy on criminal prosecution of persons implicated in piracy, 754–55
press for strengthened UN sanctions on North Korea for nuclear missile programs, 598
protest of interference with U.S. naval vessel in South China Sea, *CP* 349–51
removal of North Korea from list of state sponsors of terrorism, *CP* 164–65
review of legal authorities for anti-piracy operations against Somali pirates, *CP* 147
Russian claims to continental shelf in Arctic, *CP* 148–49
Russian intervention and recognition of South Ossetia and Abkhazia, *CP* 138–40
Secretary certifies receipt of funds from Libya under Claims Settlement Act, *CP* 165
Secretary on U.S. candidacy to UN Human Rights Council, *CP* 357–58
UN Ambassador endorses necessity for ICC action in Darfur, *CP* 153
UNGA request for ICJ advisory opinion on Kosovo independence, opposition, *CP* 140–42

U.S. participation as observer and election to UN Human Rights Council, *CP* 357–58, *CP* 608

United States Department of the Treasury

agreement with Switzerland on access to UBS bank information on U.S. taxpayer accounts, *CP* 748–50

United States district court

judge's orders to release Uighurs at Guantánamo stayed on appeal, *CP* 156–57
rejection of Florida law restricting travel to Cuba, *CP* 744–46
right to habeas corpus review of non-Afghan detainees brought to Afghanistan, *CP* 579–81

United States House of Representatives, war powers jurisdiction, 76–77

United States North Pacific Fishery Management Council, limits commercial fishing in Arctic, *CP* 366–67

United States President

authority to determine reliability of diplomatic assurances, 353–55
authority to suspend provisions of ABM Treaty, 334–35
Bush order on interrogation and detention of terrorism suspects, revocation, 331–32
Child Soldiers Accountability Act of 2008, signing, *CP* 167
Chinese interference with U.S. naval vessel in South China Sea, 350
compliance with War Powers Resolution by, 79
condemnation of Russian intervention into and recognition of South Ossetia and Abkhazia, 139

Executive Orders

banning torture and CIA prisons, *CP* 331–34
closure of detention facilities at Guantánamo Bay, *CP* 325–28
Inter-Agency task force on Guantánamo interrogations and transfer policies, creation, 333–34, *CP* 760–63
Libya Claims Settlement Agreement, implementation, 165
foreign affairs powers, 79, *CP* 741–48
Guantánamo detainees, identification of five categories, *CP* 575–76
Iran, engagement sought on nuclear issues, 602

issuance of new comprehensive Directive on U.S. Arctic policy, *CP* 342–49

joint presidential-congressional decision making, 76–77

justification for U.S. attacks on Al Qaeda in foreign countries, 162

North Korea's nuclear ballistic missile programs, criticism, 598

nuclear-weapons-free world and strengthened anti-proliferation efforts, 600–02

Protocol on Environmental Protection to Antarctic Treaty to Senate, submission, 589

reaction to release to Libya of Pan Am 103 bomber al-Megrahi, *CP* 764–65

Senate approval of Comprehensive Test Ban Treaty sought, 600–01

strategic arms reduction treaty with Russia, negotiations urged, 600

U.S.-IAEA Additional Protocol for the Application of Safeguards in the U.S., ratification, *CP* 366

U.S.-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act, signing, *CP* 163–64

war powers, 76, 78–79, 80–82

United States Securities and Exchange Commission (SEC), 511, 522, 685–87

United States Senate

advice and consent to 78 treaties, *CP* 135–38
approval of U.S.-India Nuclear Cooperation Agreement, 163–64
letter on U.S. accession to ASEAN Treaty of Amity, *CP* 741–43
testimony of nominee Susan Rice to be U.S. Representative to the UN, *CP* 340–42
war powers jurisdiction, 76–77

United States Supreme Court

“blocked” Iranian assets, 581–82, 727–31
foreign sovereign immunity and exceptions to, *CP* 581–85, 731–32
Hague Child Abduction Convention case, *certiorari* granted, *CP* 772–73
Marshall Court on war powers, 79, 81
waiver of right to seek attachments, *ID* 727–34
“zone of twilight,” 80

Universal Declaration of Human Rights, 469–70, 483, 500–01

authoritative elaboration of UN Charter-based human rights, 469

- binding rule of customary international law, 470
- Use of force**, 297
- authority of President and Congress, 78-79, 81-82
- Vagts, Detlev F.
BR of Johnston, 623
BR of Marks, 178
BR of Mettraux, 800
 [The] Financial Meltdown and Its International Implications, *Ed.* 684
- van den Bossche, Peter, *see* Ripinsky, Sergey
- van Tuijl, Peter, *see* Jordan, Lisa
- Vedder, Anton (Ed.), *NGO Involvement in International Governance and Policy: Sources of Legitimacy*, *BR* 777
- Venezuela**
 Servicio autónomo de la propiedad intelectual (SAPI), 22, 35-36
- Vienna Convention on Consular Relations** (1963),
Optional Protocol to the Vienna Convention on Consular Relations Concerning the Compulsory Settlement of Disputes (1963)
 U.S. withdrawal from, 536
- Vienna Convention on the Law of Treaties** (1969), 534, 715
 rules of interpretation, 465, 467-68, 495-96, 714
- Vienna Convention on Succession of States in Respect of Treaties**, 534
- Vierucci, Luisa, *see* Dupuy, Pierre-Marie
- Virzo, Roberto, *Il regolamento delle controversie nel diritto del mare: rapporti tra procedimenti*, *BR* 640
- von Bernstorff, Jochen, and Volker Roeben, *International Law as Public Law: On Recent and Historical German Approaches to International Law*, *BRE* of Degenhardt; Denfeld; Dicke; Matz; Nußberger; Scheyli; and Talmon, 609.
- Voon, Tania, *ID* 710-16
- War crimes**, 104, 106, 108, 112, 126
- War Powers Resolution (1973), *see* United States [The] War Powers Resolution, *Once Again*, *NC* 75
- Watson, Geoffrey R., *BR* of Blum, 803
- Why Culture Matters in International Institutions: The Marginality of Human Rights at the World Bank, *LA* 647
- Wiessner, Siegfried, *BR* of Xanthaki, 188
- Wittes, Benjamin, *Law and the Long War: The Future of Justice in the Age of Terror*, *BR* 808
- World Bank**, 239-40,
 Articles of Agreement, 472, 650, 655, 657-59, 662-66, 668, 676
 human rights policies, 456, 472-73, 487, *LA* 647-83
 internal legal opinions on, 650, 657, 661, 663-67, 675-76, 678-79
 legal and structural constraints on, 654-55, 658-59, 665
 obligations under international law and UN Charter, 657-58
 organizational culture, 667-82
 reform, 650, 659-63
 leadership selection, 209-12, 222, 227-28, 234, 240-47
 U.S.-Europe gentlemen's agreement, 209-12, 227, 243-44, 247-48
 voting rights and quotas, 212, 240-41, 245
- World Conservation Union**, 513, 518, 520
- World Food Program**, allocation of positions, 225, 231, 234, 258
- World Intellectual Property Organization** (WIPO), 10, 39, 232, 259-60
- World Trade Organization** (WTO), 2, 10, 30, 34, 151, 299-300
- Agreement on the Application of Sanitary and Phytosanitary Measures** (SPS) (1994), 301-04
- Agreement on Subsidies and Countervailing Measures** (SCM) (1994), 111, 113, 115-16
- Agreement on Trade-Related Aspects of Intellectual Property Rights** (TRIPS) (1994), 9-10, 31-32, 110-14, 549-55
- Appellate Body**,
 allocation of seats on, 232, 235, 259
 compliance with previous subsidy holdings, *ID* 110-16
 retaliatory trade measures, continuation, *ID* 299-305
 risk assessment, 300-04
 scope of compliance proceedings, 110, 112, 114, 116

- subsidy payments, 112, 115-16
- Dispute Settlement Body**, 110, 112-16, 232, 260, 549, 555
 - cross-retaliation measures, 113-14, 116
 - electronic distribution of audiovisual products, 710, 715-16
 - intellectual property rights, *ID* 549-55
 - trading rights, 710-13, 715
- Dispute Settlement Understandings**, 111-16, 232, 301-02
- General Agreement in Trade in Services (GATS)** (1994), 113, 715
 - electronic distribution of audiovisual products under, 715-16
 - exception provision, 714
 - market access obligations, 710-12
 - national treatment obligations, 710-11
- General Agreement on Tariffs and Trade (GATT)**, 10, 113, 232, 259, 554, 716, 684, 689
 - exception provisions, 710-11, 713-15
 - national treatment obligations, 710-12, 715
- leadership selection, 224, 232-32, 246, 259-60
- Protocol on the Accession of the People's Republic of China**, *ID* 710-16
 - Report of the Working Party on the Accession of China, 711-13
 - trading rights, 710-15
- Trade Policy Review Body**, 232, 260
- Wouters, Jan, and Philip De Man, *ID* 555-61
- Xanthaki, Alexandra, Indigenous Rights and United Nations Standards, *BR* 188
- Yackee, Jason Webb, *BR* of Alvarez and Reisman, 629
- Yugoslavia, Federal Republic of**
 - continuator or successor state, 264, 266, 270-71, 532-35
 - ICJ cases, *NC* 264-71, *CD* 532-35
 - UN membership, 264-70
- Yugoslavia, Socialist Federal Republic of**
 - contradictory ICJ decisions on legal status of, *NC* 264-71
 - ICJ cases, *NC* 264-71, *CD* 532-35
 - UN membership, 264-66, 269-70
- Yugoslavia**, status of, *see* Serbia
- Yusuf, Abdulqawi Ahmed, elected ICJ Judge, 539
- Zasloff, Jonathan M., Dean's List: Power, Institutions, and Achesonian Diplomacy, *BRE* of Beisner, 375
- Zgonec-Rožej, Miša, *ID* 305-11
- Zimmermann, Andreas, *see* Dicke, Klaus

AMERICAN JOURNAL OF INTERNATIONAL LAW

VOLUME 103

CONTENTS

2009

[No. 1, January 2009, pp. 1–208; No. 2, April 2009, pp. 209–408; No. 3, July 2009, pp. 409–645; No. 4, October 2009, pp. 647–849.]

	PAGE
Islands of Effective International Adjudication: Constructing an Intellectual Property Rule of Law in the Andean Community <i>Laurence R. Helfer, Karen J. Alter, and M. Florencia Guerzovich</i>	1
Representation and Power in International Organization: The Operational Constitution and Its Critics <i>Jacob Katz Cogan</i>	209
Law and War in the Virtual Era <i>Jack M. Beard</i>	409
The Pillar of Glass: Human Rights in the Development Operations of the United Nations <i>Mac Darrow and Louise Arbour</i>	446
Why Culture Matters in International Institutions: The Marginality of Human Rights at the World Bank <i>Galit A. Sarfaty</i>	647
Thomas M. Franck (1931–2009) <i>Rosalyn Higgins</i>	502
Editorial Comments	
The Detention of Civilians in Armed Conflict <i>Ryan Goodman</i>	48
The Financial Meltdown and Its International Implications <i>Detlev F. Vagts</i>	684
Notes and Comments	
The War Powers Resolution, Once Again <i>Michael J. Glennon</i>	75
Consistently Inconsistent: The International Court of Justice and the Former Yugoslavia (<i>Croatia v. Serbia</i>) <i>Yehuda Z. Blum</i>	264
The Private Life of Environmental Treaties <i>Natasha A. Affolder</i>	510
The Francis Deák Prize <i>Caelum Liberum: Air Defense Identification Zones Outside Sovereign Airspace</i> <i>Peter A. Dutton</i>	526
Current Developments	
The Governance of Kosovo: Security Council Resolution 1244 and the Establishment and Functioning of EULEX <i>Erika de Wet</i>	83
The International Law Commission Adopts Draft Articles on Transboundary Aquifers <i>Stephen C. McCaffrey</i>	272
The 2008 Judicial Activity of the International Court of Justice <i>D. Stephen Mathias</i>	527

International Decisions

Edited by David J. Bederman

<i>Prosecutor v. Nahimana, Barayagwiza, & Ngeze</i> (Catharine A. MacKinnon)	97
<i>Prosecutor v. Alex Tamba Brima, Brima Bazzy Kamara & Santigie Borbor Kanu;</i> <i>Prosecutor v. Moinina Fofana & Allieu Kondewa</i> (Valerie Oosterveld)	103
<i>United States—Subsidies on Upland Cotton, Recourse to Article 21.5 of the DSU by</i> <i>Brazil</i> (Karen Halverson Cross)	110
<i>Decision on Civil Party Participation in Provisional Detention Appeals</i> (Jenia Iontcheva Turner)	116
<i>Federal Republic of Germany v. Giovanni Mantelli and Others</i> (Carlo Focarelli)	122
<i>Application of the International Convention on the Elimination of All Forms of Racial</i> <i>Discrimination (Georgia v. Russian Federation)</i> (Cindy Galway Buys)	294
<i>United States—Continued Suspension of Obligation in the EC—Hormones Dispute</i> <i>(Sungjoon Cho)</i>	299
<i>Yassin Abdullah Kadi & Al Barakaat International Foundation v. Council &</i> <i>Commission</i> (Miša Zgonec-Rožej)	305
<i>Hadijatou Mani Koraou v. Republic of Niger</i> (Jean Allain)	311
<i>R (on the application of Bancoult) v. Secretary of State for Foreign and Commonwealth</i> <i>Affairs</i> (Peter H. Sand)	317
<i>Maritime Delimitation in the Black Sea (Romania v. Ukraine)</i> (Coalter G. Lathrop)	543
<i>China—Measures Affecting the Protection and Enforcement of Intellectual Property</i> <i>Rights</i> (Daniel Gervais)	549
<i>International Association of Independent Tanker Owners (Intertanko), International</i> <i>Association of Dry Cargo Shipowners (Intercargo), Greek Shipping Co-operation</i> <i>Committee, Lloyd's Register and International Salvage Union v. Secretary of State for</i> <i>Transport</i> (Jan Wouters and Philip De Man)	555
<i>Trinidad Cement Ltd. v. Caribbean Community; Doreen Johnson v. CARICAD</i> (David S. Berry)	561
<i>Demir & Baykara v. Turkey</i> (Ragnar Nordeide)	567
<i>China—Measures Affecting Trading Rights and Distribution Services for Certain</i> <i>Publications and Audiovisual Entertainment Products</i> (Tania Voon)	710
<i>Commission v. Austria; Commission v. Sweden</i> (Nikolaos Lavranos)	716
<i>National Grid P.L.C. v. Argentine Republic</i> (Nick Gallus)	722
<i>Ministry of Defense and Support for the Armed Forces of the Islamic Republic of Iran v.</i> <i>Elahi</i> (Ariel Meyerstein)	727
<i>United States v. Shi</i> (Eugene Kontorovich)	734

Contemporary Practice of the United States Relating to International Law

Edited by John R. Crook

<i>Iraqi Parliament Approves Status-of-Forces Agreement Setting Timetable for U.S.</i> <i>Withdrawal</i>	132
<i>Senate Approves Numerous Treaties, Not Including Law of the Sea Convention</i>	135
<i>U.S. Statements Responding to Russia's Intervention into Georgia and Recognition</i> <i>of South Ossetia and Abkhazia</i>	138
<i>United States Opposes Request for ICJ Advisory Opinion on Kosovo</i>	140
<i>New U.S. National Defense Strategy Warns of Weak and Failing States, Emphasizes</i> <i>Alliances, Decries U.S. Opponents' Resort to International Law and Institutions</i>	142
<i>Justice Department Seeks Swiss Bank Account Information; Swiss Banker Indicted</i> <i>in Alleged Tax-Evasion Conspiracy</i>	144
<i>United States Joins International Response to Somali Pirates</i>	146

U.S. Comments on Possible Russian Continental Shelf Claims in the Arctic	148
U.S.-Hosted Summit on Financial Markets and the World Economy Calls for Greater Cooperation Among Regulators	149
United States Eases Opposition to International Criminal Court, Opposes Efforts to Thwart ICC Proceedings Involving Darfur	152
President-Elect Calls for Closure of Guantánamo, but Incoming Administration's Plans Not Announced	154
Federal Judges Order Release of Guantánamo Detainees	155
Military Commission Proceedings Continue	157
Reported U.S. Directive Authorizing Clandestine Attacks on Al Qaeda in Numerous Countries; U.S. Strikes in Syria and Pakistan Draw Protests	161
Congress Approves Nuclear Cooperation Agreement with India; Agreement Signed and Brought into Force	163
Brief Notes	164
President Obama Orders Closure of Guantánamo Detention Facilities; Obstacles Remain	325
President Issues Executive Order Banning Torture and CIA Prisons	331
Department of Justice Releases Superseded Memos on Presidential Authority Regarding Treaties, Detentions, and Other Matters	334
D.C. Circuit Finds Political Questions, Dismisses Sudan Pharmaceutical Plant Bombing Suit	336
Swiss Bank Settles U.S. Tax Charges, Mounting U.S. Pressure on Swiss Bank Secrecy	338
UN Representative Nominee Describes U.S. Interests and Priorities at United Nations	340
Comprehensive New Statement of U.S. Arctic Policy	342
United States Protests Chinese Interference with U.S. Naval Vessel, Vows Continued Operations	349
United States Abandons Detention Based on Designation as Enemy Combatant but Maintains Right to Detain Persons Giving Substantial Support to Terrorism	351
Third Circuit Requires Review in Diplomatic Assurances Cases	353
United States Boycotts Durban Review Conference, Will Seek Election to Human Rights Council	355
Military Justice Proceedings Involving Offenses Against Iraqi and Afghan Civilians	358
Blackwater Guards Indicted for 2007 Baghdad Civilian Killings	360
ICJ Rejects Mexico's Request to Interpret <i>Avena</i> but Finds United States Violated Provisional Measures Order	362
Brief Notes	364
U.S. Administration Encounters Difficulties in Effort to End Guantánamo Bay Detentions	575
District Court Holds That Detainees Brought from Other Countries to Afghanistan Can Seek U.S. Habeas Review	579
U.S. Supreme Court Finds Iran Immune in Case Involving Terrorism Claims and the Iran-U.S. Claims Tribunal	581
U.S. Supreme Court Finds President's Waiver of Terrorism Exception to Iraq's Sovereign Immunity Bars Pending Cases	582
Second Circuit Recognizes Common Law Immunity of Former Senior Israeli Intelligence Official	584

United States Joins in Inviting Cuba Back into the OAS, but Cuba Declines the Invitation	585
State Department Notifies Congress of New ILO Conventions and Recommendations	586
United States Hosts Antarctic Treaty Parties; Secretary of State Discusses Polar Issues	588
Eleventh Circuit Approves General Noriega's Extradition to France	590
United States Affirms Support for ICTY, Denies Karadžić Amnesty Deal	591
Major Corporations Settle Alien Tort Statute Cases Following Adverse Appellate Rulings	592
UN Human Rights Officials Berate U.S. Human Rights Policies and Practices	594
North Korea Rejects Past Nuclear Commitments, Tests Another Nuclear Weapon, and Provokes Additional UN Sanctions	597
President Obama Calls for Nuclear-Weapons-Free World, New Strategic Arms Reduction Treaty, Senate Approval of CTBT, and Strengthened Anti-proliferation Efforts	600
NAFTA Tribunal Rejects Glamis Gold Claim Against United States	602
Brief Notes	604
United States Accedes to ASEAN Amity Treaty as Sole Executive Agreement	741
Federal Courts Overturn State Actions Conflicting with National Foreign Policy	743
D.C. Circuit Finds Preemption of Suits Against Civilian Contractors at Abu Ghraib	746
United States and Switzerland Agree on Access to Swiss Bank Information	748
United States Participation in International Efforts to Combat Piracy	750
U.S. Criminal Sanctions for High Seas Pollution by Foreign Vessels Entering U.S. Ports	755
Efforts to End Guantánamo Bay Detentions Continue; Obstacles Abound	758
U.S. Task Force Report on Interrogations and Transfers	760
Fourth Circuit Affirms Conviction of CIA Contractor for Detainee Death	763
United States Denounces Scotland's Release of Abdel Basset Mohamed al-Megrahi	764
Prosecutions in U.S. Courts for Terrorism-Related Offenses in Afghanistan and Iraq	765
New Investment and Dispute Settlement Provisions in U.S.-Peru Trade Agreement	768
Brief Notes	770
Recent Books on International Law <i>Edited by Richard B. Bilder</i>	170, 368, 609, 777
International Legal Materials. Contents, Vol. XLVII, No. 6 (2008); Vol. XLVIII, Nos. 1-4 (2009)	208, 408, 645, 822
Table of Cases	824
Index	827